



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.Nos.34573, 34576 & 34580 of 2018

R.Pown Kumar ..Petitioner in WP.No.34573/2018

R.Hemalatha ..Petitioner in WP.No.34576/2018

Minor Yuvan Shankar Raja, M/16 years,
Rep.by his father & Natural Guardian K.Raja
..Petitioner in WP.No.34580/2018

Vs.

1. The Director of School Education,
DPI Complex,
Nungambakkam,
Chennai.
2. The Chief Educational Officer,
Collectorate, Vengikkal Village,
Tirvannamalai District.
3. The District Educational Officer,
Collectorate, Vengikkal Village,
Tirvannamalai District.
4. The Head-Master,
VDS Jain Higher Secondary School,
Gandhi Nagar, Tiruvanamalai. ...Respondents in all WPs.

PRAYER in WP.No.34573/2018: This Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the 4th respondent herein to correct the Caste of the petitioner as "Agamudayar - Backward Class" instead of "Adi-Dravidar" in the Transfer Certificate dated 20.06.2013 and issue a fresh Transfer Certificate containing the correct Community to her within a stipulated period.

PRAYER in WP.No.34576/2018: This Petition filed under Article 226 of Constitution of India, praying to issue a Writ of



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Mandamus, to direct the 4th respondent herein to correct the Caste of the petitioner as "Agamudayar - Backward Class" instead of "Adi-Dravidar" in the Transfer Certificate dated 21.05.2018 and issue a fresh Transfer Certificate containing the correct Community to her within a stipulated period.

PRAYER in WP.No.34580/2018: This Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the 4th respondent herein to correct the Caste of the petitioner as "Agamudayar - Backward Class" instead of "Adi-Dravidar" in the Transfer Certificate dated 28.05.2018 and issue a fresh Transfer Certificate containing the correct Community to her within a stipulated period.

For Petitioners : Mr.K.Govi Ganesan
For Respondents : Ms.P.Raja Rajeswari,
Government Advocate for R1 to R3

Mr.S.Kaithamalai Kumaran for R4

..in all WPs.

COMMON ORDER

These Writ Petitions have been filed to issued a Writ of Mandamus, directing the 4th respondent to correct the caste of the petitioners as "Agamudayar - Backward Class" instead of "Adi-Dravidar" in the Transfer Certificates and issue fresh Transfer Certificates containing the correct community of the petitioners.

2.The case of the petitioners is that they belongs to Agamudayar Community which is recognized as Backward Class as per Government Order (Ms) No.28. When they have joined in the School, the illeterate parents of the petitioners have wrongly provided the caste name as Adi Dravidar instead of Agamudayar. Subsequently, the petitioners came to know that their caste is mentioned wrongly as Adi Dravidar instead of Agamudayar. On 10.09.2018, the petitioners have approached the 4th respondent and requested to rectify the mistake and in this regard, they have also sent a communication to the 2nd respondent and the same was also forwarded to the 4th respondent. However, the School Authorities had refused to rectify the caste of the petitioners in the Register vide reply dated 11.10.2018. Aggrieved over the same, the petitioners are before this Court by virtue of the present Writ Petitions.



3. Per contra, the learned Government Advocate appearing for the respondents 1 to 3 would submit that in the Transfer Certificate, there is a note stating as follows:

"Erasures and unauthenticated or Fraudulent alterations in the Certificate will lead to its cancellation."

The learned counsel submits that they were unable to consider the request of the petitioners, due to the above note provided in the Transfer Certificate and therefore, they have rejected the request of the petitioners to rectify the caste name of the petitioners in the Transfer Certificate. Further, the learned counsel for the fourth respondent submits that the 4th respondent does not have any power to make any corrections in the Transfer Certificate unless otherwise, the respondents 1 to 3 direct to correct the same.

4. Further, the learned Government Advocate appearing for the respondents 1 to 3 would submit that they have received representation for the alteration of the caste in the Transfer Certificate and the same has been forwarded along with Annexure by the second respondent to the 4th respondent vide communication dated 10.10.2018 for necessary corrections. Therefore, the learned Government Advocate submits that it is for the 4th respondent to make corrections on the request made by the petitioners and in this regard, they have directed the fourth respondent to change the caste name in the Transfer Certificate in accordance with law.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

6. On perusal, it appears that initially parents of the petitioners have wrongly provided their caste name and thereby, the petitioners caste name has been mentioned in the School Register as Adi Dravidar instead of Agamudayar.

7. It is an admitted fact that the parents are illeterate but the fact remains that in the Community Certificate, it appears that the petitioners caste is Agamudayar and not as Adi Dravidar. Even at the time of joining in the School, the School Authorities have also not demanded any Caste Certificate and if they have demanded the caste certificate at that time only, this type of errors would not have been taken place. When the petitioners have produced the Community Certificate for correcting the caste name in the Transfer Certificate before the 2nd respondent and the same was forwarded to the 4th respondent,



they would have applied their mind and altered the error crept while entering the caste name in the records and now they cannot say that they have no power to make corrections. When they have power to enter the caste name and other particulars in the Transfer Certificate, the said power automatically would apply to make corrections as well. Therefore, there is no need for any separate power to carry out the corrections in the Transfer Certificates of the petitioners. After all, the petitioners are requesting to carry out the errors which were mistakenly committed by the illiterate parents of the petitioners and these are not any fraudulent errors that would lead to cancellation of the Transfer Certificate.

8. In such view of the matter, this Court does not find any impediment for the 4th respondent to alter the caste name as Agamudayar instead of Adi Dravidar in the Transfer Certificates of the Petitioners.

9. Accordingly, this Court directs the 4th respondent to alter the caste name in the Transfer Certificates of the petitioners and issue fresh Transfer Certificates to the petitioners, within a period of four weeks from the date of receipt of a copy of this Order.

10. With the above direction, these Writ Petitions stand allowed. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

Pns

To

1. The Director of School Education,
DPI Complex,
Nungambakkam,
Chennai.
2. The Chief Educational Officer,
Collectorate, Vengikkal Village,
Tirvannamalai District.
3. The District Educational Officer,
Collectorate, Vengikkal Village,
Tirvannamalai District.



4. The Head-Master,
VDS Jain Higher Secondary School,
Gandhi Nagar, Tiruvanamalai.

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+1 CC to Mr.S.Kaithamalai Kumaran, Advocate sr 1562.
+3 Ccs to Mr.K.Govi Ganesan, Advocate sr 1344, 1345, 1346
+1 CC to The Government Pleader sr 2019

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PCH(CO)
SP(09/02/2022)